Region 1, New England

Statement of the
United States Environmental Protection Agency
New England Regional Office

Connecticut Route 82/85/11 Project
Public Hearing, April 7, 1999
Waterford, CT

Good evening and thank you for the opportunity to address this hearing. My name is Matt Schweisberg. I am the Senior Wetland Ecologist for the New England Regional Office of the U.S. Environmental Protection Agency (EPA). I appreciate the opportunity to provide EPA's views about this important project. EPA will submit additional, detailed comments for the record before the closing date for the public comment period for the draft EIS.

EPA's review of the project study area reveals a surprisingly undisturbed landscape that contains outstanding natural resources. Construction of a highway on any of the new location alignments would significantly and irreversibly degrade the quality of these resources and violate federal standards established to protect the environment. In light of the environmental damage that would be caused by such a project, EPA opposes construction of a highway on new alignment. Nevertheless, EPA appreciates the genuine interest that project proponents have in improving the safety and efficiency of the existing roadways in the study area, and we stand ready to work with local interests, the Connecticut Department of Transportation, the Federal Highway Administration and others to realize those objectives in an environmentally acceptable manner. Let me expand briefly on each of these points.

The Connecticut Department of Transportation (CTDOT) has proposed a variety of alternatives to achieve the basic purpose of this project -- to remedy existing and future year (2020) safety and capacity deficiencies in the existing Route 82/85/11 corridor. Both the federal Clean Water Act and the National Environmental Policy Act direct federal agencies to evaluate fully the range of impacts of various alternatives to address the traffic and safety issues, and to disclose those

impacts to the public. In evaluating CTDOT's application for a federal permit under section 404 of the Clean Water Act, and advising the Corps of Engineers as to whether a permit can issue, EPA focuses primarily on the rivers and streams, lakes, ponds, and wetlands -- the entire aquatic environment -- that would be affected by the proposed highway project. The Corps and EPA have a legal obligation to ensure that only the least environmentally damaging practicable alternative be permitted, and that no project be permitted that would result in significant adverse impacts to the aquatic environment.

EPA has participated in interagency meetings throughout the development of the draft EIS. Our staff spent several days visiting the project study area to become acquainted with the various alignments and to view the landscape, assess the variety of stream and wetland systems present, and evaluate the types and degrees of potential impacts upon the aquatic environment. In addition, we read thoroughly the draft EIS, CTDOT's section 404 permit application, and all supporting information. In short, we find the quantity and quality of stream and wetland systems located in the new location corridor to be exceptional. The extent and mixture of upland ridges separated by stream and wetland valleys, teeming with vernal pools scattered across this landscape, are striking, especially for southeastern Connecticut. Indeed, the area appears to offer some of the finest fish and wildlife habitat remaining in southern New England. Though a few residential subdivisions and small country roads mark this area, they have had limited effect on the quality of this resource and the area remains a remarkable block of habitat with mostly high biological integrity.

For that reason, any new location alignment constructed in this corridor would be extraordinarily destructive to the aquatic ecosystem. Based on the information available to date, EPA believes that all of the new location alignments would cause significant adverse impacts and could not qualify for a section 404 permit. Many of these impacts are discussed in the draft EIS and include, for example:

✧ direct destruction of between approximately 7.5 acres and 35 acres of high quality wetlands;

✧ indirect adverse impacts to adjoining wetlands that would likely double, and perhaps triple, the acreage directly affected; and,

✧ severing between 4 and 6 forest blocks, which would drastically fragment extremely valuable aquatic and terrestrial wildlife habitat.

The extensive direct and indirect effects of constructing a new location alignment would pervade the adjoining landscape, severely diminishing the wealth of ecological functions currently provided by the existing stream and wetland systems. The capacity of the landscape to support the existing variety and numbers of fish and wildlife species would be irreparably harmed. For example:

✧ Mammal species such as bobcat, which depend upon large blocks of habitat with connecting corridors, often in the form of streams and riparian wetlands, would be seriously threatened.

✧ According to the draft EIS, uncommon bird species observed in the forested wetlands of the new location corridor include red-shouldered hawk, hooded warbler, and white-eyed vireo. These bird species would likely disappear from this landscape, and many more, especially forest-interior species, would suffer substantial declines.

✧ The draft EIS mentions that 17 species of amphibians and 19 species of reptiles may occur within the corridor; several different species were observed during visits. The new location corridor is rich in reproductive habitat for amphibians and reptiles, particularly vernal pools. Construction of a new location alignment would devastate many of these species.

✧ The wild populations of brook and brown trout that inhabit the reaches of Latimer Brook that pass through the new location corridor also would be jeopardized. Clearing the forest canopy at crossings, culverting or bridging the Brook, and stormwater runoff would drastically degrade the physical and chemical quality of Latimer Brook, and its ability to sustain those wild populations.

In addition to fish and wildlife habitat, other ecological functions would be greatly impaired as well. Nutrient production and export, the function that supports the food chain within the corridor and in downstream areas of all the streams that pass through the corridor, would be curtailed. The large amount of blasting and bedrock cuts necessary to construct any of the new location alignments would endanger the sediment and shoreline stabilization function that many of the affected wetlands provide. Consequently, the capability of remaining wetlands to retain sediment and other physical and chemical pollutants would be overtaxed and placed at substantial risk. Many of these adverse effects tend to act synergistically, compounding the harm.

EPA understands the legitimate concerns about safety and inefficiencies with the existing roadways. Based on available information, we believe that these concerns can be adequately addressed by widening existing Routes 82 and 85. In sharp contrast to the new location alignments, widening would fill no more than five acres of wetlands and have minor indirect impacts.

The effects of widening would occur in a corridor already experiencing the effects of highway construction and operation, including housing developments; commercial and retail businesses; trash dumping; large areas of cleared land that result in habitat fragmentation; introduction and spread of invasive plant species; and channelized and culverted streams containing sediment and debris. These insidious effects are mostly absent in the new location corridor. Comparing the extent of loss and disturbance to wetlands and streams, the draft EIS shows that a highway completely on new alignment could directly affect as much as ten times the amount affected by the most damaging widening alternative. In terms of habitat blocks, all new alignment alternatives would cut through central portions of several blocks, while widening Routes 82 and 85 would graze the edges of only 2 blocks. The differences are dramatic and underscore that the widening alternatives would clearly be less damaging to the aquatic environment than any of the new location alternatives.

We appreciate the importance of minimizing the impacts of any alternative on homes and businesses. Looking at the number of structures potentially affected, the widening alternatives are

roughly equal to the new location alignments. Although the widening alternatives would affect a greater number of properties, the actual acreage affected is quite small, totaling about 50 acres at a maximum. In contrast, although the new location alternatives would affect fewer properties, the acreage affected is large, totaling about 223 acres at a minimum, and as much as 678 acres at a maximum.

We realize this project, like nearly all highway projects, elicits strong emotions and positions because of its potential impacts upon people's lives, their property, the environment, and the local economy. These reactions are perfectly understandable, particularly from those who would be most affected by the project. The CTDOT and its consultants have produced a draft EIS that offers a fairly balanced comparison of the range of these potential impacts from which to reach rational opinions and positions. I will summarize the Agency's positions and recommend some future actions.

✧ The new location alternatives, including the partial build alignments, would cause significant, and probably unacceptable, adverse impacts to the aquatic environment.

✧ We do not believe that compensatory mitigation could replace to any comparable level the myriad and complex ecological functions provided by the stream and wetland systems located in the new location corridor that would be lost as a result of constructing one of these alternatives.

✧ The widening alternatives appear to be practicable and to meet the basic project purpose. We base this view on information contained in the draft EIS and our experience with highway projects throughout New England.

✧ Although widening Routes 82 and 85 would cause the loss of several acres of wetlands and disturbance to the stream systems that pass under and along both routes, these adverse impacts would not be significant. Moreover, properly designed compensatory mitigation could offset substantially the loss of ecological functions incurred.

✧ Based upon all the information supplied to date, widening Routes 82 and 85 appears to represent the least environmentally damaging practicable alternative.

✧ Because they do not represent the least environmentally damaging practicable alternative and would cause significant adverse impacts to the aquatic environment, the new location alternatives could not comply with the relevant environmental standards, known as the 404(b)(1) guidelines, that must be met to obtain a CWA section 404 permit, and a permit could not issue for these alternatives.

✧ Given the severity and avoidability of the impacts from any of the new location alternatives, if one of those alternatives is selected for this project, it will be a candidate for a permit "veto" under section 404(c) of the Clean Water Act.

In light of these points, we strongly encourage CTDOT and the proponents of this highway project to focus on the widening alternatives for Routes 82 and 85. By following many of the recommendations in the draft EIS concerning highway design and construction techniques, it appears that widening could be accomplished with minimal harm to the stream and wetland systems that would be affected, and, importantly, to the Lake Konomoc reservoir system -- in fact, the draft EIS notes that widening would likely improve the quality of surface water runoff to the reservoir by implementing a variety of water quality treatment best management practices. In addition, EPA would support developing a widening alternative that would be accomplished in a manner sensitive to community interests and character.

Thank you for your attention.